

REMARKS

Status of the Application

Claims 1-29 are pending in the application and have been examined.

Formalities

The Examiner has not indicated acceptance of the drawings filed on December 12, 2005. Applicant respectfully requests that the Examiner indicate the status of the drawings in the next Office communication.

Claim Rejections

Claims 1-3, 5-17, and 19-29 — 35 U.S.C. § 102(e)

Claims 1-3, 5-17, and 19-29 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 7,274,661 to Harrell *et al.* ("Harrell"). Applicant traverses this rejection.

Addressing claims 1-3, 16 and 17, Harrell discloses a flow control method in which the buffer on the client side is divided using a plurality of marks into a plurality of zones each of which depends on the presentation time of the data remaining in the buffer, and congestion of the buffer is detected using one of two methods to notify a server on the transmission side of a signaling signal.

On the other hand, as claimed by Applicant, an amount of data accumulated in the buffer on the reception site is monitored, and a control signal is sent when the amount of accumulated data exceeds or approaches a predefined threshold. Thus, Applicant's simplified method does

not require the plurality of marks and zones disclosed by Harrell. Therefore, Harrell does not disclose or suggest the simplified receiver and reception method, as claimed by Applicant.

Accordingly, claims 1-3, 16 and 17 are patentable over Harrell.

With regard to claims 5-15, Harrell does not disclose or suggest at least a transmitter comprising an accumulation unit for storing a media signal, and retrieving the media signal from said accumulating unit with switching a bit rate of the media signal based on the control signal, as recited in the claims. As cited by the Examiner, Harrell discloses *a client media buffer* which detects a plurality of levels of network congestion by monitoring the buffer level, and requests service adjustments from the media server (column 3, lines 36-42). Harrell, however, is *silent as to the claimed transmitter features*.

With further regard to claims 5, 6 and 9-11, Harrell also does not disclose or suggest at least a transmitter comprising an accumulation unit for storing *at least two types of media signals* at different bit rates, and switching means for receiving a control signal from a transmission path. The Examiner alleges that Harrell discloses transmitting both audio and video media streams. However, as noted above, Harrell merely discloses client-side buffer characteristics, but is silent as to these additional transmitter features.

Since Harrell does not disclose or suggest all the claimed features of claims 5-15, the reference does not anticipate these claims. Accordingly, claims 5-15 are patentable over Harrell. Claims 19-29 contain features similar to the features recited in claims 5-15 and are therefore patentable for similar reasons.

Claims 4 and 18 — 35 U.S.C. § 103(a)

Claims 4 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harrell in view of U.S. Pat. Pub. No. 2004/0186877 to Wang *et al.* ("Wang"). Applicant traverses this rejection.

The Examiner relies on Wang only to allegedly disclose that a control signal is sent to the transmission path when a radio handover occurs. However, even if Wang provides such disclosure, the combination of Harrell and Wang does not disclose or suggest the simplified receiver and reception method of claims 3 and 17 from which claims 4 and 18 respectively depend.

Therefore, one of ordinary skill in the art at the time the invention was made would not have been motivated to combine the references as attempted by the Examiner since the references, individually or in combination, do not disclose or suggest all the claimed features.


Accordingly, claims 4 and 18 are patentable over the combination of Harrell and Wang.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Francis G. Plati, Sr.', is written over a horizontal line.

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